

UNCLASSIFIED

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FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 5960
INFO AMEMBASSY DUBLIN

SECTION 01 OF 06 GUATEMALA 02866

FOR ARA AND HA FROM AMBASSADOR STROOCK
DUBLIN FOR DCM TONKIN AND PAO TREACY

E.O. 12356: DECL :OADR
TAGS: PHUM, PREL, PGOV, PINS, ASEC, CASC, GT
SUBJECT: GUATEMALA: THIRTY MONTHS IN THE HUMAN RIGHTS
- TRENCHES

1. [REDACTED]

SUMMARY

2. ALTHOUGH STILL TROUBLED, THE GUATEMALAN HUMAN RIGHTS

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[REDACTED]

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SCENE HAS IMPROVED NOTICEABLY OVER THE PAST THREE
YEARS. THE SERRANO GOG HAS CLEARLY SHOWN CONSIDERABLY
MORE WILL THAN ITS PREDECESSOR IN TACKLING HUMAN RIGHTS
ISSUES. THE USG HAS PLAYED A MAJOR ROLE IN OBTAINING
IMPROVEMENTS; IN PARTICULAR, WE HAVE BEEN ESSENTIAL IN
LEGITIMIZING HUMAN RIGHTS AS A MAINSTREAM SOCIAL AND
POLITICAL CONCERN. WITH A CONTINUING BLEND OF PUBLIC
AND PRIVATE DIPLOMACY, WE HOPE TO HELP THE GOG ACHIEVE
EVEN MORE. END SUMMARY.

FIRST IN A SERIES

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3. IN LOOKING BACK ON MY TWO-AND-A-HALF YEARS HERE, IT SEEMS USEFUL FOR WASHINGTON TO HAVE AN EVALUATION OF HOW WE ARE DOING ON OUR FOUR KEY AREAS OF CONCERN: HUMAN RIGHTS, DRUGS, DEMOCRACY, AND DEVELOPMENT. THIS CABLE DEALS WITH THE FIRST--WHICH IS THE TOUGHEST AND MOST SENSITIVE (SEPTELS DEALING WITH OTHER THEMES WILL FOLLOW). IT OPENS WITH A GENERAL LOOK AT THE CURRENT HUMAN RIGHTS SITUATION AND MAKES COMPARISON WITH HOW IT LOOKED IN SEPTEMBER 1989. IT REVIEWS WHAT THE DEPARTMENT AND THE EMBASSY HAVE DONE ON HUMAN RIGHTS AND THE EFFECT IT HAS HAD.

WRITING ABOUT RIGHTING WRONGS

4. AS OUR 1991 REPORT ON HUMAN RIGHTS PRACTICES SHOWS, GUATEMALA REMAINS A TROUBLED COUNTRY. MANY SERIOUS HUMAN RIGHTS VIOLATIONS CONTINUE TO BE COMMITTED, MOSTLY AS A RESULT OF THE ONGOING INTERNAL ARMED CONFLICT. THERE ARE ENORMOUS DEFICIENCIES IN THE LEGAL SYSTEM

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HAMPERING DELIVERY OF JUSTICE. ACCORDING TO THE RIGHTS OMBUDSMAN, 1991 SAW A CONFIRMED 228 EXTRAJUDICIAL KILLINGS--A THIRD COMMITTED BY THE URNG, AND MOST OF THE REST BY MEMBERS OF THE SECURITY APPARATUS.

5. NEVERTHELESS, THE OVERALL HUMAN RIGHTS SITUATION IS UNDENIABLY BETTER NOW THAN THREE YEARS AGO. THERE IS MUCH GREATER WILLINGNESS TO DEAL WITH HUMAN RIGHTS ISSUES. THE OFFICE OF THE HUMAN RIGHTS OMBUDSMAN, AFTER A SLOW START, IS NOW A VIGOROUS AND IMPORTANT INSTITUTION. HUMAN RIGHTS IS A LEGITIMATE TOPIC FOR DISCUSSION; IT IS A MAINSTREAM POLITICAL ISSUE AND ALL OF GUATEMALA'S POLITICIANS, WHETHER IN MUFTI OR IN UNIFORM, MUST PAY AT LEAST LIP SERVICE TO IT. IN FACT, THE OMBUDSMAN HOSTED A TELEVISED DECEMBER 1990 HUMAN RIGHTS DEBATE BETWEEN PRESIDENTIAL CANDIDATES SERRANO AND CARPIO; FOR OVER TWO HOURS, THEY TRIED TO OUTDO EACH OTHER IN COMMITMENT TO HUMAN RIGHTS--AN EXTRAORDINARY DEVELOPMENT FOR GUATEMALA.

6. HUMAN RIGHTS IS OPENLY DEBATED IN THE NATIONAL ELECTRONIC AND PRINT MEDIA. THERE HAS BEEN AN EXPLOSION OF "POPULAR" ORGANIZATIONS AVAILING THEMSELVES OF A CLEARLY GREATER POLITICAL SPACE: THEY SPONSOR HUMAN RIGHTS DEMONSTRATIONS, MARCHES, FORA, SEMINARS, AND

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DEBATES ON A DAILY BASIS--AND THE MEDIA GIVES THEM WIDE COVERAGE. CRITICISM OF THE POLITICAL ELITES, INCLUDING THE ARMY, IS OPEN AND VOCIFEROUS. SENIOR OFFICIALS, INCLUDING IN THE MILITARY, MUST REGULARLY DEFEND THE GENUINENESS OF THEIR INSTITUTIONAL AND PERSONAL COMMITMENTS TO HUMAN RIGHTS. THE TOPIC IS NO LONGER THE

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EXCLUSIVE PRESERVE OF "COMMUNISTS." IT IS NOW O.K. TO BE FOR HUMAN RIGHTS.

A GOOD BEGINNING

7. FOLLOWING FREE AND FAIR ELECTIONS, MONITORED BY HUNDREDS OF FOREIGN OBSERVERS, THE SERRANO ADMINISTRATION TOOK OFFICE ON JANUARY 14, 1991. IN HIS INAUGURAL ADDRESS, SERRANO MADE A POINT OF STRESSING THE IMPORTANCE HE ATTACHED TO BETTERING THE COUNTRY'S HUMAN RIGHTS SITUATION. IN PARTICULAR HE UNDERLINED HIS COMMITMENT TO ENDING IMPUNITY FOR HUMAN RIGHTS VIOLATORS. HE MADE ENDING THE 30-YEAR-OLD INTERNAL ARMED CONFLICT HIS TOP PRIORITY, HOPING THEREBY TO PUT

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FOR ARA AND HA FROM AMBASSADOR STROOCK
DUBLIN FOR DCM TONKIN AND PAO TREACY

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TAGS: PHUM, PREL, PGOV, PINS, ASEC, CASC, GT
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AN END TO THE PRINCIPAL EXCUSE FOR THE SERIOUS HUMAN
RIGHTS VIOLATIONS PLAGUING THE COUNTRY. HE BEGAN DIRECT
TALKS WITH THE URNG COMANDANTES: THERE IS GUARDED
OPTIMISM A PEACE ACCORD CAN BE REACHED THIS YEAR. HE
MADE SEVERAL GOOD APPOINTMENTS, INCLUDING AN ENERGETIC
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ATTORNEY GENERAL, AND EXHIBITED MUCH MORE POLITICAL WILL
TO DEAL WITH HUMAN RIGHTS ISSUES THAN HIS PREDECESSOR.
HE CREATED AN EXECUTIVE BRANCH, CABINET-LEVEL "HUMAN
RIGHTS COORDINATING COMMISSION" TO BE RUN BY THE OFFICE
OF THE PRESIDENCY AND TO ACT AS AN EXECUTIVE BRANCH
HUMAN RIGHTS OMBUDSMAN. HE SHOWED COMMITMENT TO
CIVILIAN CONTROL OF THE ARMY AND QUICKLY PROVED HIMSELF
A TRUE COMMANDER-IN-CHIEF OF THAT OFTEN DIFFICULT
INSTITUTION. HE HAS FIRED TWO MINISTERS OF DEFENSE, TWO
ARMY CHIEFS-OF-STAFF, AND THE AIR FORCE COMMANDER.

MUSICAL CHAIRS

8. AFTER A PERIOD OF INITIALLY ROCKY RELATIONS WITH THE
CONGRESSIONALLY APPOINTED HUMAN RIGHTS OMBUDSMAN, THE
SERRANO ADMINISTRATION HAS DEVELOPED A GOOD WORKING
RELATIONSHIP WITH THAT OFFICE AND, IN FACT, HAS
RESPONDED TO CRITICISMS WITH ACTIONS, E.G., REMOVAL OF
NATIONAL POLICE CHIEF PAIZ BOLANOS TO BE REPLACED BY A
CIVILIAN. THIS GOVERNMENT ALSO HAS ACTED IN CONGRESS TO
PUSH LEGISLATION THAT WILL RADICALLY ALTER LEGAL
PROCEDURES IN THE COUNTRY, A KEY RECOMMENDATION OF,
AMONG OTHERS, THE UN'S HUMAN RIGHTS EXPERT. THIS

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LEGISLATION IS EXPECTED TO BE APPROVED SHORTLY ALONG WITH OTHERS THAT WILL ENABLE THE GOG TO COLLECT TAX REVENUES TO MAKE POSSIBLE AN AMBITIOUS SOCIAL INVESTMENT PROGRAM. SERRANO REMOVED HIS FIRST CHOICE AS MINISTER OF INTERIOR, RETIRED COL MENDEZ RUIZ, FOLLOWING CONTROVERSIAL POLICE ACTIONS AT THE FINCA OLGA MARIA (DETAILED IN OUR 1991 HUMAN RIGHTS REPORT) AND REMOVED NATIONAL POLICE CHIEF RETIRED COL. PAIZ BOLANOS

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FOLLOWING ALLEGATIONS THAT POLICE TORTURED THREE SUSPECTS. CURRENTLY, THE MINISTRY OF INTERIOR AND THE POLICE ARE RUN BY CIVILIANS--THE FIRST TIME IN MEMORY. FOR THE FIRST TIME IN GUATEMALAN HISTORY, THE GOG HAS APPOINTED A "SPECIAL PROSECUTOR" TO INVESTIGATE A CASE OF ALLEGED HUMAN RIGHTS ABUSES, TO WIT, THAT OF AMCIT NUN DIANA ORTIZ. THERE HAS BEEN A NOTABLE TURN-AROUND IN CORRUPTION--THE CURRENT GOG IS CONSIDERABLY MORE HONEST THAN ITS PREDECESSOR.

TRICKLE DOWN THEORY

9. MANY OF THESE CHANGES IN ATTITUDE AT THE TOP HAVE YET TO FILTER DOWN THROUGH THE ENTIRE SYSTEM. BUT THE PROCESS HAS BEGUN. THERE WERE CONVICTIONS AND SENTENCINGS OF TWO MILITARY PERSONNEL, INCLUDING ONE OFFICER, IN THE SANTIAGO MASSACRE CASE. NAVAL CAPTAIN GIRON, COMMANDER OF THE IMPORTANT PACIFIC BASE, WAS REMOVED FROM COMMAND AND IS ABOUT TO BE BOUNCED FROM THE MILITARY FOR HIS ROLE IN THE DEATHS OF ELEVEN SMUGGLERS LAST AUGUST; SEVEN OTHER MILITARY PERSONNEL ARE UNDER ARREST AND UNDERGOING TRIAL. IN A CASE NOW UNDER APPEAL, TWO SOLDIERS WERE CONVICTED FOR KILLING FOUR PERSONS IN A GUATEMLAN CITY SUBURB KNOWN AS "PERONIA." WHEN CERJ LEADER AMILCAR MENDEZ REPORTED RECEIVING SERIOUS THREATS, THE NEW MINISTER OF INTERIOR, HIMSELF A FORMER DEPUTY HUMAN RIGHTS OMBUDSMAN, APPEARED ON T.V. WITH HIM AND PROVIDED MENDEZ POLICE PROTECTION. SUCH PROTECTION WAS ALSO PROVIDED TO A THREATENED LABOR LEADER, AND, AS DETAILED IN OUR 1991 REPORT ON HUMAN RIGHTS, THE GOG BODYGUARDS FOILED AN ARMED KIDNAP

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ATTEMPT ON THAT LEADER. AS ARDENT A CRITIC OF THE GOG AS THE BISHOP OF QUICHE PRIVATELY HAS SAID THE SITUATION IN THE COUNTRYSIDE IS IMPROVING AS THE ARMY RESPONDS TO A CHANGED ATTITUDE BY SUPERIORS. EVEN CERJ'S MENDEZ HAS RECOGNIZED THIS, ALBEIT RELUCTANTLY, TO POLOFFS.

10. THESE CHANGES ARE QUITE REMARKABLE WHEN ONE THINKS BACK TO HOW HUMAN RIGHTS PRACTICES LOOKED IN THE LAST YEAR OR SO OF THE CEREZO ADMINISTRATION. THAT GOVERNMENT CLEARLY HAD NO GENUINE COMMITMENT TO HUMAN RIGHTS, AND WHILE ONE COULD NOT ACCUSE IT OF PROMOTING VIOLATIONS, IT CERTAINLY MADE NO EFFORT TO PREVENT THEM OR PUNISH THEIR AUTHORS. POLITICALLY MOTIVATED KIDNAPINGS, SUCH AS THOSE OF AUGUST-SEPTEMBER 1989 ON THE SAN CARLOS UNIVERSITY (USAC) CAMPUS, AND KILLINGS WERE A REGULAR FEATURE. CEREZO HAD NO INTEREST IN TAKING ON THE SECURITY FORCES ON HUMAN RIGHTS.

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DUBLIN FOR DCM TONKIN AND PAO TREACY

E.O. 12356: DECL :OADR

TAGS: PHUM, PREL, PGOV, PINS, ASEC, CASC, GT

SUBJECT: GUATEMALA: THIRTY MONTHS IN THE HUMAN RIGHTS

- TRENCHES

UNCLE SAM: DO THE RIGHTS THING

11. THE US GOVERNMENT HAS PLAYED A MAJOR ROLE IN
HELPING BEGIN THE HUMAN RIGHTS TRANSFORMATION OF
GUATEMALA. WE HAVE AIDED WITH FUNDING THE HUMAN RIGHTS

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OMBUDSMAN'S OFFICE--NOW THE SINGLE BEST LOCAL SOURCE OF
HUMAN RIGHTS INFORMATION--THE SUPREME ELECTORAL TRIBUNAL
(TSE), AND A MODERNIZATION PROGRAM IN THE CONGRESS AND
THE COURTS. WITH OUR STRUGGLING IMET PROGRAM WE HAVE
SOUGHT TO GIVE ARMY OFFICERS A GLIMPSE OF A DIFFERENT
WAY OF DOING THINGS. THESE (AND OTHER) FACTORS WILL BE
DISCUSSED IN DETAIL IN SEPTEL ON "DEMOCRACY."

12. OUR GREATEST CONTRIBUTION, HOWEVER, HAS BEEN IN
TERMS OF OUR PUBLIC STANCE. TO A GREAT EXTENT WE
LEGITIMIZED "HUMAN RIGHTS" AS A MAINSTREAM TOPIC. ONE
HAS TO UNDERSTAND THE AMERICAN EMBASSY HERE (POPULARLY
REFERRED TO AS "LA EMBAJADA," AS THOUGH NO OTHERS EXIST)
IS AN INTEGRAL PART OF THE LOCAL POLITICAL, ECONOMIC,
AND CULTURAL SCENE. IT IS WIDELY SEEN AS PERHAPS THE
ONLY HONEST INSTITUTION IN THE COUNTRY. ITS
PRONOUNCEMENTS HAVE TREMENDOUS CREDIBILITY THROUGHOUT
GUATEMALAN SOCIETY. ONCE WE WENT PUBLIC IN A FORCEFUL
WAY ON HUMAN RIGHTS, IT SERVED AS A GREEN LIGHT FOR MANY
OTHERS TO DO SO. THE THINKING WENT SOMETHING LIKE THIS,
"THE GRINGOS ARE NOT COMMUNISTS; THEY ARE FOR HUMAN
RIGHTS; IT MUST BE O.K. TO ADVOCATE HUMAN RIGHTS."

GLOBAL WARMING

13. THE SITUATION ON MY ARRIVAL HERE WAS MARKEDLY
DIFFERENT FROM THAT OF MY PREDECESSORS, WHO HAD TO BE
MUCH MORE CONCERNED WITH THE CARE AND NURTURING OF BASIC
DEMOCRATIC INSTITUTIONS AND FORMAL PRACTICES. IN
ADDITION, THEY HAD TO GIVE THE MOST SERIOUS ATTENTION TO
THE THREATS TO SUBVERT THIS SOCIETY AND ITS NEIGHBORS

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POSED BY THE SOVIET UNION AND ITS SATELLITES. HOWEVER,
BY NOVEMBER 1989, THE BERLIN WALL WAS DOWN; EASTERN
EUROPE WAS NO LONGER UNDER SOVIET HEGEMONY; THE SOVIET
UNION ITSELF WAS COMING APART. BY THE AUTUMN OF THAT
YEAR, THE GOG HAD HAD ENOUGH TIME TO GET ITS
ADMINISTRATIVE ACT IN ORDER. IT HAD BEEN THE RECIPIENT
OF INCREDIBLY GENEROUS AMERICAN LARGESSE, HAD OVERCOME
TWO COUP ATTEMPTS, AND THE FORMAL DEMOCRATIC SYSTEM HAD
BEGUN TO TAKE ROOT. IT WAS NOW TIME TO FACE UP TO
RESPONSIBILITIES IN THE AREA OF HUMAN RIGHTS. A
HIGH-VISIBILITY APPROACH SEEMED THE WAY TO GO. BY
OCTOBER 1989, THE COUNTRY TEAM HAD COME TO THE SAME
CONCLUSION. IN FACT, THE PUBLIC APPROACH WAS KICKED OFF
BY CHARGE PHIL TAYLOR WHEN AT A SEPTEMBER 1989
AID-SIGNING CEREMONY HE PUBLICLY DEPLORED AND CALLED FOR
CLARIFICATION OF THE USAC KIDNAPINGS. THIS WAS FOLLOWED
BY A TENSE, NO-NONSENSE MEETING WITH PRESIDENT CEREZO IN
WHICH THE CHARGE MADE CLEAR WE WERE FED UP WITH THE
GOG'S NONPERFORMANCE ON HUMAN RIGHTS.

14. TWO IMMEDIATE STEPS WERE TAKEN TO DRIVE HOME TO THE
GOG THAT HUMAN RIGHTS WOULD NOW BE AN OPEN AND PUBLIC
ISSUE HERE AND THAT THE CHARGE'S STATEMENT HAD NOT BEEN
A FLUKE: (1) IN MY AIRPORT ARRIVAL STATEMENT I STRESSED
THE IMPORTANCE PRESIDENT BUSH ATTACHED TO HUMAN RIGHTS,
AND (2) OUR 1989 HUMAN RIGHTS PRACTICES REPORT WAS
TOUGH. WE MADE SURE IT GOT WIDE PUBLICITY. THAT REPORT
GOT TO CEREZO. HE AND HIS GOVERNMENT TOOK STRONG
EXCEPTION, BUT COULD NOT REFUTE IT. THE REPORT SERVED
AS A SIGNAL THE EMBASSY WAS NOW A MAJOR PLAYER IN THE
HUMAN RIGHTS ARENA, AND THAT THE FIELD WOULD NO LONGER

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BELONG JUST TO LOCAL AND FOREIGN HUMAN RIGHTS
ORGANIZATIONS, MANY WITH ANTI-AMERICAN POLITICAL AGENDAS.

15. OUR PUBLIC APPROACH INCLUDED MEETINGS WITH HUMAN
RIGHTS ACTIVISTS, INCLUDING SOME TRADITIONALLY NOT
WELL-DISPOSED TO THE EMBASSY OR THE USG. THESE MEETINGS
DID NOT SIT WELL WITH THE GOVERNMENT OR THE MILITARY BUT
OUR ATTITUDE WAS THAT AS LONG AS THESE GROUPS WERE
INVOLVED IN LEGAL ACTIVITIES, THE EMBASSY HAD THE RIGHT

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AND OBLIGATION TO MEET THEM. WE SOUGHT OUT AND MET THE NEW HUMAN RIGHTS OMBUDSMAN AND, ON THE OCCASION OF INTERNATIONAL HUMAN RIGHTS DAY IN DECEMBER 1989, I JOINED HIM IN A TELEVISED STATEMENT FROM HIS OFFICE AFFIRMING USG SUPPORT FOR THE OMBUDSMAN AND FOR PROGRESS ON HUMAN RIGHTS IN GUATEMALA. BOTH MY STAFF AND I HAVE HAD REPEATED PUBLIC AND PRIVATE MEETINGS WITH THE PRESIDENT, THE MINISTER OF DEFENSE, THE MINISTER OF

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GOVERNMENT, THE MINISTER OF FOREIGN AFFAIRS, THE

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CHAIRMAN OF THE CONGRESSIONAL HUMAN RIGHTS COMMISSION,
AND VARIOUS PRESIDENTS OF CONGRESS, ALL TO PUSH OUR
HUMAN RIGHTS OBJECTIVES.

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A NEW DEAL

16. IN THE SAME VEIN, WHEN IN DECEMBER 1989, TWO AMCIT MEMBERS OF THE PEACE BRIGADES INTERNATIONAL (PBI) WERE ATTACKED BY KNIFE-WIELDING ASSAILANTS, THE EMBASSY TOOK A VERY HIGH PROFILE IN ENSURING THE PROTECTION OF THE PBI MEMBERS; I CALLED ON THOSE WHO HAD BEEN INJURED AND LET THE PRESS KNOW THAT THE USG WAS ACTIVELY INTERESTED IN THE WELFARE OF ALL PBI ACTIVISTS. WE DEVELOPED A CLOSE RELATIONSHIP WITH THE GROUP--ONE NOT TRADITIONALLY FRIENDLY TO U.S. EMBASSIES--AND PROVIDE PBI VOLUNTEERS REGULAR POLITICAL AND SECURITY BRIEFINGS. WE ARE NOW INVITED TO ATTEND THEIR FUNCTIONS. WE HAVE RECENTLY CARRIED OUT A DEMARCHE SUPPORTING PBI EFFORTS TO BECOME A LEGALLY REGISTERED ORGANIZATION IN GUATEMALA.

WIELDING A (ROTARY) CLUB

17. BUT THE EVENT THAT RECEIVED THE MOST ATTENTION WAS A SPEECH TO THE ROTARY CLUB IN FEBRUARY 1990. THIS SPEECH CAME ON THE HEELS OF THE KIDNAPING AND MURDER IN GUATEMALA OF SALVADORAN LEFTIST POLITICIAN HECTOR OQUELI. A/S ARONSON INSTRUCTED US TO MAKE A VEHEMENT PRIVATE APPROACH TO PRESIDENT CEREZO ON THE IMPORTANCE OF RESOLVING THIS CASE IN A CREDIBLE MANNER (SOMETHING HIS GOG NEVER DID). WHEN IT BECAME CLEAR THE GOG WOULD TAKE NO ACTION, WE PUT TOGETHER A STRONG STATEMENT IN THE SPEECH MAKING CLEAR THE UNITED STATES COULD NOT MAINTAIN CORDIAL RELATIONS WITH ANY STATE THAT SYSTEMATICALLY VIOLATED HUMAN RIGHTS OR FAILED TO PROTECT THEM. WE SAID THAT THE INABILITY OF THE GOG TO

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PROTECT ITS CITIZENS FROM HUMAN RIGHTS VIOLATIONS, IF CONTINUED, WOULD INEVITABLY DAMAGE THE BILATERAL RELATIONSHIP. WE CALLED FOR AN END TO IMPUNITY. CEREZO EXPLODED. HE OPENLY ACCUSED US OF TRYING TO HURT HIM IN

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RETALIATION FOR HIS "PRINCIPLED" OPPOSITION TO OUR SUPPORT FOR THE FREEDOM FIGHTERS IN NICARAGUA AND FOR GUATEMALA'S OPPOSITION TO "OPERATION JUST CAUSE" IN PANAMA. HE LET IT BE PUBLICLY "UNDERSTOOD" I DID NOT SPEAK FOR THE USG; HE PRIVATELY HINTED I WOULD BE PNG'D.

18. THE DEPARTMENT PROMPTLY RECALLED ME "FOR CONSULTATIONS" IN WASHINGTON AND A MEETING WITH THE PRESIDENT. I RETURNED TO GUATEMALA WITH A CAREFULLY DRAFTED LETTER FOR CEREZO IN WHICH THE DEPARTMENT MADE CLEAR THAT THE HUMAN RIGHTS LINE OF THE EMBASSY WAS, INDEED, THE HUMAN RIGHTS POLICY OF THE BUSH ADMINISTRATION. THE LETTER WAS PERSONALLY DELIVERED TO CERÉZO. SUBSEQUENT PRESS STATEMENTS BY THE EMBASSY EMPHASIZED WE WOULD CONTINUE OUR HIGH PROFILE ON HUMAN RIGHTS AND THAT CONCERN FOR HUMAN RIGHTS WAS AN INTEGRAL PART OF THE U.S. FOREIGN POLICY TOWARDS THE GOG.

DEVINE JUSTICE

19. IN JUNE OF 1990, LONG-TIME GUATEMALA RESIDENT AMERICAN BUSINESSMAN MICHAEL DEVINE WAS KIDNAPED AND BRUTALLY MURDERED. IT SOON BECAME CLEAR HIS KILLERS WERE MILITARY PERSONNEL. IT ALSO BECAME CLEAR THAT THE MILITARY AND THE CEREZO GOVERNMENT HAD NO INTEREST IN SOLVING THIS CRIME AND PUNISHING ITS AUTHORS. FROM THE START, WE LET CEREZO AND HIS GOVERNMENT, MILITARY AND

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CIVILIAN, KNOW THAT THIS WAS A TEST CASE. THE U.S. COULD NOT GO ON WITH BUSINESS AS USUAL WITH A GOVERNMENT THAT ALLOWED MEMBERS OF ITS SECURITY APPARATUS TO KILL AMERICAN CITIZENS. EVEN MORE, WE COULD NOT AND WOULD NOT TOLERATE ANY COVER-UP OF SUCH AN ACT. WORKING CLOSELY WITH THE DEVINE FAMILY, WE DEVELOPED A LARGE BODY OF EVIDENCE THAT POINTED TO MILITARY INVOLVEMENT IN THE KILLING. WE PRESENTED THIS INFORMATION TO CEREZO AND GOT VERY LITTLE ACTION, WITH BUT ONE NOTABLE EXCEPTION. IN AN UNPRECEDENTED DEVELOPMENT, CEREZO FELT COMPELLED BY THE OVERWHELMING WEIGHT OF OUR EVIDENCE AND OUR CONSTANT REFERENCES TO THE CASE TO ACKNOWLEDGE OPENLY AND IN WRITING THAT THE CRIME SEEMED COMMITTED BY ARMY PERSONNEL. SEVERAL LOW-RANKING MILITARY WERE ARRESTED; BUT LEGAL PROCEEDINGS SEEMED TO GO NOWHERE.

THE BIG CHILL

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20. WHILE WE HAD LONG ARGUED THAT SOME LEVEL OF
MILITARY ASSISTANCE WAS NEEDED TO PROVIDE US LEVERAGE
WITH THE ARMY, IT BECAME INCREASINGLY OBVIOUS THAT THERE
WAS GOING TO BE NO FURTHER MOVEMENT ON DEVINE UNLESS WE

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ENGAGED IN ANOTHER BIT OF PUBLIC DIPLOMACY. IN DECEMBER 1990, WE RECOMMENDED AND THE DEPARTMENT AGREED TO SUSPEND CURRENT AS WELL AS FUTURE PIPELINE FMF ASSISTANCE (FOR A VALUE OF OVER DOLS 11 MILLION). THIS SUSPENSION, OF COURSE, UNLEASHED MORE ABUSE FROM CEREZO AND THEN-MINISTER OF DEFENSE BOLANOS. IT PUT US INTO AN AWKWARD POSITION WITH THE INCOMING PRESIDENT. WE FACED AN IMMEDIATE PROBLEM WITH THE NEW PRESIDENT WHEN WE INFORMED SERRANO OF OUR TERMS FOR RESUMING MILITARY AID: THE DEVINE CASE WOULD HAVE TO BE RESOLVED, THERE WOULD HAVE TO BE CONVICTIONS IN THE SANTIAGO MASSACRE, AND THERE WOULD HAVE TO BE OVERALL PROGRESS IN THE GOG'S HUMAN RIGHTS PERFORMANCE. HE JUST ABOUT THREW ME OUT OF HIS OFFICE WHEN I GAVE HIM OUR NON-PAPER| BUT WE MADE AN IMPORTANT POINT: WE WOULD NOT PURSUE THE OTHER IMPORTANT GOALS WE HAVE BY IGNORING HUMAN RIGHTS.

21. THE SUSPENSION (NOT A COMPLETE CUT-OFF AS HAD BEEN DONE PREVIOUSLY) HAD THE INTENTION OF HOLDING OUT A CARROT FOR IMPROVED PERFORMANCE IN THE AREA OF HUMAN RIGHTS. WITH THE EXCEPTION OF THE STILL SLOW-MOVING DEVINE CASE, WE HAVE INDEED SEEN PROGRESS ON HUMAN RIGHTS. WE CERTAINLY SEE A GROWING WISH ON THE PART OF THE GUATEMALAN MILITARY TO IMPROVE THE BILATERAL MILITARY RELATIONSHIP, AND THERE IS A GROWING UNDERSTANDING IN THE GUATEMALAN ARMY THAT RESPECT FOR HUMAN RIGHTS WILL TO A VERY CONSIDERABLE DEGREE DRIVE THAT RELATIONSHIP AND DETERMINE ITS FUTURE. THIS WAS THE MESSAGE DELIVERED, VERY CLEARLY, DURING THE 1991 VISIT OF ARMY SECRETARY MIKE STONE AND THE RECENT VISIT OF U.S. SECDEF CHENEY--THE MOST SENIOR US OFFICIAL TO

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VISIT GUATEMALA SINCE THE INAUGURATION OF PRESIDENT SERRANO. WE BELIEVE THE GOG AND ITS ARMY UNDERSTAND THESE MESSAGES VERY WELL.

THE BIG MACK CASE

22. DURING THE SERRANO ADMINISTRATION, WE HAVE KEPT UP OUR CONSULTATIONS WITH LOCAL HUMAN RIGHTS AND LABOR ACTIVISTS. WE WERE VERY ACTIVE IN OBTAINING THE ARREST IN LOS ANGELES OF THE MAN SUSPECTED OF HAVING MURDERED GUATEMALAN ANTHROPOLOGIST AND SOCIAL RESEARCHER MYRNA MACK CHANG (A MURDER WHICH TOOK PLACE UNDER THE CEREZO ADMINISTRATION). WE HAVE BEEN FOLLOWING THIS KEY HUMAN

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RIGHTS CASE VERY CLOSELY. IN FACT, I VISITED THE MACK FAMILY WHEN THEY TOLD US OF THREATS TO THEIR SAFETY AND HAVE ATTENDED TWO PUBLIC CATHOLIC MASSES FOR HELEN MACK (ALONG WITH OTHER MEMBERS OF THE STAFF, I HAVE ALSO ATTENDED MEMORIAL SERVICES FOR SLAIN STREET CHILDREN). THE VISIT TO THE MACK FAMILY GOT CONSIDERABLE LOCAL PUBLICITY AND IRRITATED SERRANO.

DIGGING UP THE PAST

23. OUR POLITICAL OFFICERS HAVE PARTICIPATED IN THE LOCATING AND EXHUMATION OF VICTIMS OF PAST POLITICAL VIOLENCE IN SOME OF THE MOST CONFLICTIVE AREAS OF GUATEMALA. THEY HAVE VISITED REMOTE AND VIOLENT AREAS OF GUATEMALA TO PROVIDE A MORE COMPLETE AND ACCURATE PICTURE OF THE NATION'S HUMAN RIGHTS SCENE. POLITICAL AND CONSULAR OFFICERS HAVE ACCOMPANIED "CASA ALIANZA" STAFF ON ROUNDS TO STREET CHILDREN HAUNTS; WE HAVE

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SPOKEN OUT AGAINST EFFORTS TO INTIMIDATE THOSE WHO WORK WITH THESE CHILDREN. IN FACT, WE HAVE EXCELLENT RELATIONS WITH "CASA ALIANZA" AND MAINTAIN REGULAR CONTACT WITH THEM. WE RECENTLY MET AN INJURED SURVIVOR OF THE SANTIAGO MASSACRE, BACK IN GUATEMALA AFTER TREATMENT IN THE U.S.

PROTECTING THE PRESENT

24. THE EMBASSY HAS EXTENDED PROTECTION TO THE DEPUTY HUMAN RIGHTS OMBUDSMAN AND TO POLITICIANS (SUCH AS LUIS ZURITA) WHEN THEY SUFFERED THREATS. WE ARE HELPING PROTECT THE ACTIVIST ATTORNEY GENERAL, PROVIDING HIM A BULLET-PROOF CAR AND A CELLULAR PHONE. WE HAVE VISITED THE USAC RECTOR AND MET LEADERS OF THE STUDENT MOVEMENT WHEN THEY, TOO, FELT THEY UNDER THREAT. OUR ACTIVE USIS OFFICE, WHICH HAS SUPERB RELATIONS WITH THE PRESS AND

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ACTION ARA-01

INFO LOG-00 ACDA-15 AID-01 AMAD-01 CA-02 CIAE-00 SJK-01
C-01 DODE-00 DS-00 EB-01 EUR-01 HA-09 H-01
INRE-00 INR-01 IO-19 LAB-04 L-03 ADS-00 NSAE-00
NSCE-00 OCS-06 OIC-02 OMB-01 PA-01 PM-01 PRS-01
P-01 RP-10 SIL-01 SNP-01 SP-01 SR-01 SS-01
STR-20 TRSE-00 T-01 USIE-00 /110W
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P 172217Z MAR 92
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC PRIORITY 5965
INFO AMEMBASSY DUBLIN

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FOR ARA AND HA FROM AMBASSADOR STROOCK
DUBLIN FOR DCM TONKIN AND PAO TREACY

E.O. 12356: DECL :OADR
TAGS: PHUM, PREL, PGOV, PINS, ASEC, CASC, GT
SUBJECT: GUATEMALA: THIRTY MONTHS IN THE HUMAN RIGHTS
- TRENCHES

ACADEMIC COMMUNITY, HAS MANAGED TO REESTABLISH A
CONSTRUCTIVE RELATIONSHIP WITH THAT ONCE ANTI-AMERICAN
UNIVERSITY AND ITS STUDENT MOVEMENT. WE HAVE INTERVENED
WITH THE GOG COUNTLESS TIMES TO STRESS CONCERNS FOR THE
PERSONAL SAFETY OF ACTIVISTS SUCH AS AMILCAR MENDEZ. WE
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[REDACTED]

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HAVE HAD MEETINGS WITH PROMINENT HUMAN RIGHTS ACTIVISTS
AND HAVE PUBLICIZED THOSE TO DRIVE HOME THE CONCERN OF
THE USG FOR THE SAFETY OF EVERYONE ENGAGED IN PEACEFUL,
LEGAL PURSUITS. WE HAVE MANAGED TO DEVELOP A STEADILY
EXPANDING AND EXTRAORDINARY RANGE OF CONTACTS IN THE
AREA OF HUMAN RIGHTS. WE NOW HAVE BY FAR THE WIDEST
RANGE OF SUCH CONTACTS OF ANY EMBASSY HERE. AN EMBASSY
HUMAN RIGHTS BRIEFING IS A MUST STOP FOR COUNTLESS

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NUMBERS OF JOURNALISTS, HUMAN RIGHTS GROUPS AND ACTIVISTS. WE CONSIDER THIS AN ESSENTIAL PART OF OUR EFFORT TO IMPROVE RESPECT FOR HUMAN RIGHTS IN GUATEMALA.

THE ELUSIVE TRUTH

25. WE HAVE NOT LET UP ON THE SR. DIANA ORTIZ MATTER. FROM DAY ONE, WE HAVE INSISTED ALL PARTIES COOPERATE TO FIND THE TRUTH OF WHAT HAPPENED TO ORTIZ NOVEMBER 2-3, 1989. WE NIPPED IN THE BUD EFFORTS BY SOME AROUND ORTIZ TO PORTRAY THE EMBASSY AS A VILLAIN AND AN ACCOMPLICE IN WHAT HAPPENED. ORTIZ IS NOW DUE TO ARRIVE IN GUATEMALA NEXT MONTH TO TESTIFY AND WILL, FOR HER PROTECTION AND EASE OF MIND, STAY AT MY RESIDENCE--A DEVELOPMENT UNTHINKABLE AT THE OUTSET OF THIS CASE WHEN OUR OFFICERS WERE ACCUSED EITHER OF HAVING TAKEN PART IN HER ALLEGED TORTURE OR TRYING TO COVER IT UP.

26. WE HAVE ALSO CONTINUED WITH THE PRECEDENT ESTABLISHED BY THE 1989 HUMAN RIGHTS REPORT. BOTH OUR 1990 AND 1991 REPORTS, WERE ACCURATE, FACTUAL, DETAILED, AND HARD-HITTING ACCOUNTS OF THE GUATEMALAN HUMAN RIGHTS SCENE. IN FACT, WE HAVE HAD THE ONCE ANTI-US HUMAN

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RIGHTS OFFICE OF THE ARCHBISHOP TELL US OUR REPORTS ARE THE BEST ONES ON GUATEMALA--AND THAT INCLUDES REPORTS BY THEIR OWN PEOPLE. WE HAVE RECEIVED PRAISE FROM ORGANIZATIONS AS TRADITIONALLY CRITICAL OF DEPARTMENT REPORTING AS THE WASHINGTON OFFICE ON LATIN AMERICA AND AMERICA'S WATCH. THE GOG HAS REACTED NEGATIVELY TO THE REPORTS, TO THE EXTENT OF DEMANDING REVISIONS. HOWEVER, LOCAL REACTION FROM PRESS, PUBLIC, HUMAN RIGHTS OMBUDSMAN, AND ACTIVISTS HAS BEEN UNIFORMLY FAVORABLE.

PEACE AND QUIET

27. WE HAVE ALSO WORKED CLOSELY WITH THE GOG TO HELP END THE 31-YEAR-OLD INTERNAL ARMED CONFLICT. OUR QUIET SUPPORT FOR THE NATIONAL RECONCILIATION COMMISSION (CNR), WHICH INCLUDES FUNDING ITS TRAVEL EXPENSES AND PER DIEM, AND OUR LOW-KEY BEHIND-THE-SCENES SUPPORT FOR THE GOG IN ITS DIFFICULT NEGOTIATIONS WITH THE GUERRILLA LEADERS IN MEXICO HAS HELPED ASSURE THE GOG THAT, DESPITE THE CRITICISMS WE LEVEL, WE WANT TO SEE IT SUCCEED IN ENDING A WAR WHICH STILL SERVES AS A PRIMARY EXCUSE FOR HUMAN RIGHTS VIOLATIONS BY BOTH SIDES AND

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PREVENTS MEANINGFUL EFFORTS TO ADDRESS THE COUNTRY'S
PRESSING SOCIAL AND ECONOMIC PROBLEMS.

DOING OUR BIT

28. OUR ACTIVIST STANCE HAS CONTRIBUTED IN A REAL WAY
TO THE PROCESS OF HUMAN RIGHTS IMPROVEMENT WHICH IS
UNDERWAY. A GREAT DEAL OF WORK NEEDS TO BE DONE. BUT
WITH A JUDICIOUS COMBINATION OF PRIVATE AND PUBLIC
[REDACTED]

[REDACTED]

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DIPLOMACY WE ARE POISED TO HELP GUATEMALA AND ITS
WELL-MEANING CURRENT GOVERNMENT ACHIEVE MUCH MORE IN THE
AREA OF RESPECT FOR FUNDAMENTAL RIGHTS. THE ROLE PLAYED
BY THE U.S. GOVERNMENT IN ACHIEVING PROGRESS IN THE
HUMAN RIGHTS AREA IN GUATEMALA IS SOMETHING IN WHICH ALL
INVOLVED CAN FEEL A JUSTIFIABLE SENSE OF PRIDE. STROOCK##
[REDACTED]

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*** Current Handling Restrictions *** n/a

*** Current Classification *** [REDACTED]

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